

HAMPTON ZONING BOARD OF ADJUSTMENT

MINUTES

January 20, 2011

Members Present

Bill O'Brien, Chairman
Jack Lessard (Alternate)
Vic Lessard
Tom McGuirk
Bryan Provencal

Others Present

Kevin Schultz, Building Inspector
Joan Rice, Secretary

Chairman O'Brien called the meeting to order at 7:00 p.m.

Chairman O'Brien introduced the members of the Board.

The Pledge of Allegiance was said.

PETITION SESSION

01-11 The petition of Miranda Trust, through John Krizanek, Trustee, for property located at 359 Ocean Boulevard, Units 22-24 seeking relief from Article 1.3 and Article VIII 8.2.3 to allow for a dormer to the third floor and add approximately 4 inches to structure height allowing for additional insulation and roof weight load rating. Addition will be within existing structure footprint. This property is located at Map 275, Lot 48 in a BS zone.

John Krizanek, Petitioner, came forward. He explained that they are seeking variances to allow for a dormer to the third floor and the addition of approximately 4 inches to the height of the structure to allow for insulation and roof weight reloading. Mr. Krizanek went through the five criteria and said he felt they had been met.

Questions from the Board

Chairman O'Brien asked if the dormer was going on the back side. Mr. Krizanek said it was. Mr. Schultz asked if the entire roof would be reframed. Mr. Krizanek said the entire roof would be done.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. Vic Lessard and seconded by Mr. Provencal, to grant Petition 01-11.

Chairman O'Brien asked the Board members if they felt the five criteria had been met. All members agreed that they had.

VOTE: 5-0-0. Motion passed unanimously.

02-11 The petition of Stanley & Pam Nosek for property located at 3 Eighth Street seeking relief from Articles 1.3 and 4.5.1 to change roof line from hip to gable to allow for storage and for further proposed addition. This property is located at Map 211, Lot 1 in a RA zone.

Stanley Nosek, Petitioner, came forward. He explained that he would like to change the roof line from hip to gable to allow for storage and for further addition. Mr. Nosek went through the five criteria and said he felt they had been met.

Questions from the Board

Chairman O'Brien asked about the plot plan where it states "remove" behind the garage on the west side. Mr. Nosek said this was a shed that will be removed. Chairman O'Brien asked that the plot plan reflect the current distance of the front stairs to the property line.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. Provencal and seconded by Mr. McGuirk, to grant Petition 02-11.

Chairman O'Brien asked the Board members if they felt the five criteria had been met. All members agreed that they had.

VOTE: 5-0-0. Motion passed unanimously.

03-11 The petition of Ocean Crest Condominium Association, through Cellco Partnership dba Verizon Wireless for property located at 190 Kings Highway seeking relief from Articles 4.4 and 16.2 to allow a wireless telecommunication facility in the BS zone because it is possible that the facility will violate the height restrictions of the BS zone (Article 4.4) Verizon Wireless seeks a variance from that provision as well. This property is located at Map 168, Lot 2 in a BS zone.

Charles Fredette and Kevin Mosier of Verizon and Attorney John Weaver came forward. Mr. Fredette said the granting of their petition would allow Verizon to fill a gap in coverage with a wireless telecommunication facility. The proposed site would be the Ocean Crest. He said they were not proposing to build a cell tower. They are proposing to mount antennas on the building that will be connected to an equipment room inside the building.

Attorney Weaver went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. McGuirk asked how this would affect the overcapacity on Tide Mill Road (Route 101) tower. Mr. Fredette replied that they need this site to handle all the traffic. The site on Tide Mill Road won't be able to do that during peak days in the summer. Mr. Mosier said this will provide better coverage for Hampton.

Chairman O'Brien asked why a site was chosen on the oceanfront and not inland with antennas pointing East to North Beach. Mr. Fredette said they could angle north and south with the antennas. Chairman O'Brien said they would not be covering the main artery in Hampton, Route 1, the area where the majority of people live year round without current coverage, according to the Verizon coverage plots. He added that they would only be adding only about 1 square mile of new coverage in Hampton and not covering the critical area in town with no service. Attorney Weaver replied that this site is only for one gap in coverage, not all.

Mr. McGuirk said that two locations had been looked at by Verizon and with this choice there were still gaps in town. Mr. Fredette said that was correct and the two locations were the Windjammer Hotel and 17 Barbour Road. Mr. McGuirk asked why only two locations. Attorney Weaver said the gap on Route 1A was determined to be a more significant gap than the one on Route 1.

Chairman O'Brien said he felt Verizon should examine the existing 80 foot tall water tower on Mill Road to cover the gap in the North Beach area as well as along the main Route 1 artery in town, and if additional coverage is needed at the beach center, where there already is existing coverage from the Route 101 tower, they could place antennas on a building, the beach water tower, or somewhere else in that local beach center area rather than North Beach. Chairman O'Brien said that with their proposal, most of the population of Hampton that is in the uncovered gap area is still without service. Chairman O'Brien said his main concern was taking care of the people in Hampton. Attorney Weaver said the intent of this proposal is not to take care of all the people in Hampton.

Comments from the Audience

Perry Hanges, 837 Ocean Blvd., came forward. Mr. Hanges said he was concerned about coverage, aesthetics, property values and health risks. Mr. Hanges asked what the radiation risk would be. Attorney Weaver said that the law states a decision cannot be made based on health risks. Radiation risk cannot be a consideration for approval by this Board.

Mr. McGuirk said 911 service was not available to him at the beach and this is a serious concern. It is important to remember that Hampton Beach is a tourist center.

Karen Pierzynsky, 554 High Street, came forward. She said she was concerned about the noise from the generator. Ms. Pierzynsky said she is a nurse and also has serious concerns about cancer and the effect on people with pacemakers, etc. She also said she did not believe this would be aesthetically pleasing.

Ms. Davis, 22 Meadow Pond Road, came forward. She expressed concern about other providers also putting antennas on the roof. Chairman O'Brien said this is a possibility if the property owners agreed and the roof was found to be structurally safe. Ms. Davis said she is in opposition to the granting of this petition.

Christine Ianduzzo, 554 High Street, came forward. Ms. Ianduzzo asked that the Board deny this petition.

Kristina Hanges, 837 Ocean Blvd., came forward. Ms. Hanges stated that more viable alternatives have been presented by the Board and need to be examined. She also said another concern was aesthetics and she is in opposition to the granting of this petition.

Joseph Pierzynsky, 554 High Street, came forward. He said he is an assessor in Massachusetts and feels this will negatively affect local property values around the site.

Linda Meissner 486 High Street, came forward. She said she has good Verizon service now and is completely against this project because it would be unattractive.

Kathleen Assoyan, 741 Kings Highway, came forward. She said she did not care about service and did not want something that will make the beach unattractive.

Chairman O'Brien stated that four letters had also been received in opposition to this petition and are entered into the record.

Back to the Board

At this time Chairman O'Brien extended an apology to Mr. McGuirk for taking questions out of order.

Attorney Weaver said he would like to address the public's concerns. He said the line of sight is such that the antennas will not be seen from the beach and that they withdraw the request for a height variance. As for property values, recent data show that poor cell coverage is bad for property values in this technological age. 40-50% of the demographic that will be buying homes only have cell phones. No coverage will be listed as a real estate defect.

Chairman O'Brien responded that the people in this site area already have pristine coverage (-85db or better) from Verizon according to their own coverage plots.

Chairman O'Brien stated that during the Board's lengthy discussion of this petition that all five criteria have been addressed in detail. Chairman O'Brien then asked for a motion.

Moved by Mr. Provencal and seconded by Mr. McGuirk to grant Petition 03-11.

Chairman O'Brien said he would like to receive individual votes from each Board member on each of the five criteria. Chairman O'Brien read each criterion separately and the vote was as follows:

Criteria 1:

V. Lessard	No
McGuirk	No
O'Brien	No
J. Lessard	No
Provencal	Yes

Criteria 2a:

V. Lessard	No
McGuirk	No
O'Brien	No
J. Lessard	No
Provencal	No

Criteria 2b:

V. Lessard	No
McGuirk	Yes
O'Brien	Yes
J. Lessard	No
Provencal	Yes

Criteria 3:

V. Lessard	Yes
McGuirk	Yes
O'Brien	Yes
J. Lessard	Yes
Provencal	Yes

Criteria 4:

V. Lessard	No
McGuirk	No
O'Brien	No
J. Lessard	No
Provencal	Yes

Criteria 5:

V. Lessard	No
McGuirk	No
O'Brien	No
J. Lessard	No
Provencal	Yes

VOTE: 0 yes, 3 no (J. Lessard, V. Lessard, O'Brien), 2 abstentions (McGuirk, Provencal). Motion failed.

04-11 The petition of Monah Realty, LLC for property located at 595 Lafayette Road seeking relief from Articles III and 4.5.2 to allow a use not specifically enumerated in the table of uses by removing 347 square feet of the existing laundry building and change its use from washing items such as sheets and towels to washing cars. This property is located at Map 144, Lot 3 in a B zone.

Brian Kelly, manager of the property, Joe Coronati, and Attorney Peter Saari, Casassa & Ryan, came forward. Attorney Saari said this property has been used as a washing facility for a number of years. It is currently used as a laundry. The proposal is to remove part of the laundry building and convert it into a car wash. The vacuums will be relocated. The plan is to put in landscaping, etc. to improve the visual perception. Mr. Coronati discussed the improvements in drainage and traffic flow. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. Schultz asked if they were putting new islands in the front along the property line. Mr. Coronati said that was correct.

Chairman O'Brien said there are 12 parking spaces when only 10 are required. He said he felt it would be difficult to get out of spaces 1 and 2 when there is snow. This should be taken into consideration with the Planning Board.

Comments from the Audience

Linda Saro, 597R Lafayette Road, came forward. She said she was concerned that cars coming and going would stay on the correct side of the right of way and suggested a line down the middle of the road. Attorney Saari said the right of way does not belong to this property.

Back to the Board

Moved by Mr. V. Lessard and seconded by Mr. McGuirk, to grant Petition 04-11 subject to the Planning Board addressing the snow issue and that the signs will meet zoning setback requirements.

Chairman O'Brien asked the Board members if they felt the five criteria had been met. All members agreed that they had.

VOTE: 5-0-0. Motion passed unanimously.

BUSINESS SESSION

Adoption of Minutes

Amendment made to Minutes:

On pages 1 and 2, "Joe Frenatti" should read "Joe Coronati". **Moved** by Mr. V. Lessard and seconded by Mr. Provencal, to approve the Minutes of November 18, 2010, as amended.

VOTE: 4-0-1(J. Lessard). Motion passed.

Adjournment

Moved by Mr. J. Lessard and seconded by Mr. Provencal, that the meeting be adjourned.

The meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Joan Rice
Secretary